

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ALLOW STOCKING  
FISH IN CERTAIN LAKES IN THE NORTH CASCADES NATIONAL PARK,  
ROSS LAKE NATIONAL RECREATION AREA, AND LAKE CHELAN NA-  
TIONAL RECREATION AREA

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JULY 14, 2008.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3227]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3227) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. PURPOSE.**

The purpose of this Act is to authorize the National Park Service to allow the stocking of fish in certain lakes under certain conditions in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

**SEC. 2. STOCKING OF CERTAIN LAKES IN NORTH CASCADES NATIONAL PARK, ROSS LAKE NATIONAL RECREATION AREA, AND LAKE CHELAN NATIONAL RECREATION AREA.**

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, may authorize the stocking of fish in lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

(b) CONDITIONS.—The following conditions shall apply to stocking of lakes under subsection (a):

(1) The Secretary is authorized to allow stocking in up to, but not to exceed, 42 lakes. The 42 lakes which may be stocked are those lakes identified for potential stocking under Alternative B of the 2005 North Cascades National Park Service Complex Mountain Lakes Fishery Management Plan Draft.

(2) The Secretary shall only stock fish that are—

(A) native to the slope of the Cascade Range on which the lake to be stocked is located; and

(B) functionally sterile.

(3) The Secretary is authorized to coordinate the stocking of fish with the State of Washington.

(c) REPORTS.—The Secretary shall continue a program of research and monitoring of the impacts of fish stocking on park resources and shall report the results of such research and monitoring to the appropriate committees of Congress every 5 years.

Amend the title so as to read:

A bill to authorize the Secretary of the Interior to allow stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

#### PURPOSE OF THE BILL

The purpose of H.R. 3227, as ordered reported, is to authorize the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

#### BACKGROUND AND NEED FOR LEGISLATION

The lakes of North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area do not naturally include fish. Beginning in the late 1800's, however, the lakes were stocked with fish, and beginning in the 1930's, the State of Washington began managing fish stocking in these lakes. The North Cascades National Park was designated in 1968 and the Stephen T. Mather Wilderness Area within the Park was designated in 1988. Virtually all of the lakes in the Park are located within the Wilderness Area.

The North Cascades National Park is currently working on the Mountain Lake Fisheries Management Plan Environmental Impact Statement, which will evaluate fish stocking in the park. It is expected to be finalized in late summer 2008. The Draft EIS (DEIS) states that, "The minimum requirement analysis for fish stocking in the Stephen T. Mather Wilderness indicates that stocking is not necessary to meet the minimum requirements for administration of the area, and the Wilderness Act is unclear whether stocking is allowed in designated wilderness areas \* \* \* the National Park Service (NPS) has determined that fish stocking in the Stephen T. Mather Wilderness would only be implemented if Congress granted the NPS the unambiguous legal authority to do so."

As reported, H.R. 3227 authorizes the Secretary to allow stocking in up to, but not to exceed, the 42 lakes which were identified for potential stocking under Alternative B of the Mountain Lakes Fishery Management Plan Draft.

#### COMMITTEE ACTION

H.R. 3227 was introduced on July 30, 2007 by Representative Doc Hastings (R-WA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 24, 2008, the Subcommittee held a legislative hearing on the bill.

On June 25, 2008, the Full Natural Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration. Subcommittee Chairman Raul Grijalva (D-AZ) offered an amendment in the nature of a substitute to make technical changes suggested in the Draft Environmental Impact Statement for the Mountain Lake Fishery Management Plan. It was

adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Purpose*

Section 1 states that the purpose of this Act is to authorize the National Park Service to allow the stocking of fish in certain lakes under certain conditions in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

##### *Section 2. Stocking of certain lakes in North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.*

Section 2(a) states that the Secretary of the Interior may authorize the stocking of fish in lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Section 2(b)(1) states that the Secretary is authorized to allow stocking in up to, but not to exceed the 42 lakes which were identified for potential stocking under Alternative B of the 2005 North Cascades Mountain Lakes Fishery Management Plan Draft.

Section 2(b)(2) states that the Secretary shall only stock fish that are native to the slope of the Cascade Range on which the lake to be stocked is located and functionally sterile.

Section 2(b)(3) authorizes the Secretary to coordinate the stocking of fish with the State of Washington.

Section 2(c) requires the Secretary of the Interior to continue a program of research and monitoring of the impacts of fish stocking on park resources and report the findings to Congress every 5 years.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not

contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 3227—A bill to authorize the Secretary of the Interior to allow stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area*

H.R. 3227 would authorize the National Park Service (NPS) to allow the stocking of fish in lakes in three units of the National Park System in Washington. Based on information provided by the NPS, CBO estimates that enacting H.R. 3227 would have no effect on revenues or direct spending and no significant effect on discretionary spending. The expense of stocking fish would be borne by the state or other nonfederal entities, as it has been since the three park units were established.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs to state, local, or tribal governments would be incurred voluntarily.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### EARMARK STATEMENT

H.R. 3227 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.